

**Ernie Fletcher**  
Governor

**LaJuana S. Wilcher**  
Secretary  
Environmental and Public  
Protection Cabinet



**Environmental Quality Commission**  
14 Reilly Road  
Frankfort, Kentucky 40601-1132  
Phone (502) 564-2150 Fax (502) 564-9720  
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**Environmental Quality Commission**

Lindell Ormsbee, Chair, *Lexington*  
Betsy Bennett, Vice-Chair, *Louisville*  
Patty Wallace, *Louisa*  
Gary Revlett, *Shelbyville*  
Gordon Garner, *Prospect*  
Eugene Zick, *Russellville*  
Laura Knoth, *Grand Rivers*

Leslie Cole, *Executive Director*

**MEMORANDUM**

TO: Governor Ernie Fletcher  
  
LaJuana S. Wilcher, Secretary  
Environmental and Public Protection Cabinet

FROM: Leslie Cole, Executive Director  
Environmental Quality Commission

DATE: May 27, 2005

RE: Environmental Quality Commission Regulatory Recommendations

Attached are revised regulatory recommendations passed by the Kentucky Environmental Quality Commission (EQC) at its public meeting held on May 26, 2005.

The commission took action to approve one set of proposed amendments:

- Division of Water
  - 401 KAR 4:010 Water Withdrawals
- Division for Air Quality
  - 401 KAR 50:017 – Repeal of 50:016
  - 401 KAR 50:045 – Performance Tests

Please feel free to contact the commission if you have any questions concerning these recommendations.

Cc: Lloyd Cress, Department for Environmental Protection  
Scott Smith, EPPC, Office of Regulatory Affairs  
John Lyons, Division for Air Quality  
Dave Morgan, Division of Water

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**RECOMMENDATION of the  
KENTUCKY ENVIRONMENTAL QUALITY COMMISSION  
Division of Water Proposed Amendments**

Pursuant to KRS 224.01-100 through 224.01-115, the Environmental Quality Commission shall have the power, duty and authority to:

- Recommend adoption or rejection by a majority of its membership present and voting of any proposal by the cabinet to adopt, modify or revoke any rule or regulation pertaining to the prevention, abatement and control of existing or threatened air or water pollution, disposal of waste, control of noise, or the use of air, land, or water resources, or strip mining and reclamation.
- The Commission shall tender in writing, its recommendation of adoption or rejection. If the Cabinet adopts any matter upon the Commission's recommendation of rejection, the Secretary shall file with the Commission a statement of the reason therefore.

**Therefore, on May 26, 2005:**

The Environmental Quality Commission voted to **postpone action** on the Kentucky Division of Water amendments:

**401 KAR 4:010. Water withdrawal permits, criteria, reports.**

and recommended that the Environmental and Public Protection Cabinet incorporate public notice and interagency notification requirements for water withdrawal permits.

A handwritten signature in cursive script, appearing to read "Lindell Ormsbee".

Signed

May 26, 2005  
date

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**RECOMMENDATION of the  
KENTUCKY ENVIRONMENTAL QUALITY COMMISSION  
Division for Air Quality Proposed Amendments**

Pursuant to KRS 224.01-100 through 224.01-115, the Environmental Quality Commission shall have the power, duty and authority to:

- Recommend adoption or rejection by a majority of its membership present and voting of any proposal by the cabinet to adopt, modify or revoke any rule or regulation pertaining to the prevention, abatement and control of existing or threatened air or water pollution, disposal of waste, control of noise, or the use of air, land, or water resources, or strip mining and reclamation.
- The Commission shall tender in writing, its recommendation of adoption or rejection. If the Cabinet adopts any matter upon the Commission's recommendation of rejection, the Secretary shall file with the Commission a statement of the reason therefore.

**Therefore, on May 26, 2005:**

The Environmental Quality Commission voted to **recommend approval** on the Kentucky Division for Air Quality amendments:

**401 KAR 50:017. Repeal of 50:016**

**401 KAR 50:045. Performance Tests.**

and recommended that the Environmental and Public Protection Cabinet prepare a new policy/guidance manual to further clarify and provide for consistent interpretation of the regulations.

A handwritten signature in cursive script, appearing to read "Lindell Ormsbee".

Signed

May 26, 2005

date